

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**CYPRESS PROPERTY AND
CASUALTY INSURANCE COMPANY,**

Plaintiff,

V.

JALLAD & R INVESTMENTS, LLC,

Defendant.

Civil Action No. **3:21-CV-1478-L**
(Consolidated with 3:21-CV-1939-L)

ORDER

The Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 62) was entered on March 2, 2023, providing a recommendation for the Unopposed Motion to Compel Air Tek Air Conditioning’s Production of Requested Documents (“Motion”) (Doc. 52). The Report recommends first that the Motion be construed as seeking an order of civil contempt under Federal Rule of Civil Procedure 45(g) as the appropriate vehicle for the third-party response to written questions and production that the Motion seeks to compel. Doc. 62 at 9. The Report further recommends that the court cite nonparty Air Tek Air Conditioning, through its owner Muneef Jallad, to appear before the undersigned to show cause why it should not be held in civil contempt for failing without adequate excuse to obey the Subpoena Duces Tecum, attached as Exhibit A to the Brief in Support of the Motion (Doc. 53).

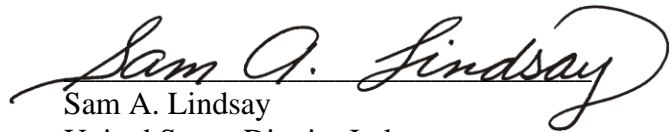
The Report sets forth that although Plaintiff Cypress Property and Casualty Insurance Company (“Plaintiff”) served Mr. Jallad with the Order Setting Deadline/Hearing as to Air Tek Air Conditioning and Mr. Jallad, he has not responded. As of the date of this order, Mr. Jallad has not complied with the Subpoena Duces Tecum or otherwise responded with written objections.

Having considered the Motion, Report, file, and record, the court determines that the magistrate judge's finding and conclusions in the Report are correct, and **accepts** them as those of the court. Plaintiff has shown with clear and convincing evidence that nonparty Air Tek Air Conditioning, through its owner Muneef Jallad, has failed to comply with the commands of the Subpoena Duces Tecum and therefore must show cause why it is not in civil contempt under Rule 45(g) for failing without adequate excuse to obey the Subpoena Duces Tecum by responding to the written questions and producing the required responsive documents.

Accordingly, pursuant to Federal Rule of Civil Procedure 45(g), the court **hereby orders Air Tek Air Conditioning, through its owner Muneef Jallad, to appear at a contempt hearing** scheduled for **April 28, 2023, at 9:00 a.m.**, in the undersigned's courtroom, 1100 Commerce Street, 15th Floor, Dallas, Texas, 75242. At the contempt hearing, Air Tek Air Conditioning, through its owner Muneef Jallad, must show cause why it should not be held in civil contempt for failing without adequate excuse to obey the Subpoena in Duces Tecum. Failure to appear may result in the court's issuance of a warrant for his arrest. Representatives for both parties are also **ordered** to appear.

Further, the court **orders** Plaintiff to serve, or cause to be served, Air Tek Air Conditioning, through its owner Muneef Jallad, a copy of this order. After serving Air Tek Air Conditioning with a copy of this order, **no later than April 17, 2023**, Plaintiff **shall inform the court in writing** regarding the date and manner in which service of this order was effected.

It is so ordered this 10th day of April, 2023.


Sam A. Lindsay
United States District Judge